

## **Section 445 - Requiring Connections to Sanitary Sewer and Water Systems; Regulating Discharges into Sanitary Sewer System**

### **445.01 Sanitary Sewer Connection Required.**

Subd. 1 **New Construction.** Whenever property abuts any public street or alley in which sanitary sewer mains have been constructed, the owner of every residential or non-residential principal use building hereafter constructed, reconstructed, or placed on such property, and as a part of such construction, reconstruction, or placing, shall connect the sewage disposal lines in such building with such mains in such street or alley.

Subd. 2 **Existing Buildings.** The owner of every existing residential or non-residential principal use building which abuts any public street or alley in which sanitary sewer mains have been constructed, within two years after the date such sanitary sewer mains did or will become usable, shall connect the sewage disposal lines in such building with such mains. Such connection shall be made immediately if such mains are usable and if the private sewage disposal lines for the building on such property overflow, back up or otherwise fail.

**445.02 Separate Sewer and Water Connections for Double Dwelling Unit Buildings or Townhouses.** In addition to the requirements of Subsection 445.01, any principal use building in the Double Dwelling Unit District (R-2) or any townhouse, as defined by Section 850 of this Code, that is (i) hereafter constructed, reconstructed, or placed on a lot, or (ii) now existing but is on a lot hereafter subdivided pursuant to Section 810 of this Code and or hereafter submitted to M.S. 515A (the Minnesota Uniform Condominium Act), or (iii) now existing but non-conforming (as defined in Section 850 of this Code) but is hereafter destroyed or damaged to such an extent that it is required to conform to all restrictions of Section 850 of this Code, or (iv) now existing and conforming but is hereafter destroyed or damaged to such an extent that, if it were a non-conforming building as defined in Section 850 of this Code, it would have to conform to all restrictions of Section 850 of this Code, and that abuts any public street or alley in which sanitary sewer or water mains have been constructed, shall have the sewage disposal lines and water services in each dwelling unit or townhouse unit connected with the sanitary sewer mains or water mains and that there shall be one separate and independent sewer and water connection for each such dwelling unit or townhouse unit.

**445.03 Failure to Comply; Notice.** The Manager may cause written notice of sewer and water connection requirements to be given to any person required by Subsections 445.01 or 445.02 to make such connections. Such notice shall be mailed by certified mail or delivered by the Sanitarian, Building Official or Planner by order of the Manager. In the event that (i) any person, required by Subsection 445.01 to connect an existing building to sanitary sewer mains where there has been no overflow, backup or other failure of such building's private sewage disposal system, fails to complete the making of such connection(s) within six months after such written notice is given, or (ii) any person, required by Subsection 445.01 to connect an existing building to sanitary sewer mains where there has been an overflow, backup or other failure of such building's private sewage disposal system fails to complete the making of such connection within 15 days after the written notice is given, the Council may by

resolution direct that the required connection be made and the cost assessed against the benefited property as set forth in Subsection 445.06.

**445.04 Withholding Approval of Plat or Subdivision.** If connections are required because of the subdivision or submittal to the Minnesota Uniform Condominium Act of a lot in the Double Dwelling Unit District (R-2), or because of platting or subdivision or submittal to the Minnesota Uniform Condominium Act of property to permit sale of individual townhouses or individual lots or individual dwelling units, the connections shall be made in connection with such platting or subdivision or submittal, and approval of the platting or subdivision or submittal by the Council may be conditioned upon and withheld until completion of the required connections.

**445.05 Waiver.** Notwithstanding anything herein to the contrary, any connection requirement may be waived by the Building Official upon request of the owner of the property for which the waiver is requested and upon a finding being made by the Building Official that the sewer and water connections are in compliance with building code requirements, and that the waiver will not be substantially detrimental to the public welfare or to other lands or improvements in the neighborhood of the property. If the waiver is from the requirements of Subsection 445.01, such waiver shall be granted upon the condition that the owner of such property or properties shall comply with Section 710 of this Code. If the waiver is from the requirements of Subsection 445.02, such waiver shall be granted upon the further condition that the owner or owners of the property or properties shall execute and deliver to the City a recordable agreement, in form and substance acceptable to the Manager, providing:

- A. That the City shall not be liable to any owners or occupiers of the property or properties for any damage or injury to persons or property resulting from a lack of the required separate and independent connections;
- B. That all owners of the property or properties served by less than the required separate and independent connections shall share equally in any costs incurred as a result of not having the required separate and independent connections and shall pay equally all sewer and water charges made for services to such property or properties;
- C. That the City may determine the charges for water and sewer usage by allocating consumption equally among all properties using the common connection and totaling the separate charges based upon such allocation;
- D. That the City may discontinue water and sewer services to such property or properties pursuant to Section 1100 of this Code even though such discontinuance will affect property in addition to that of the persons causing the delinquency; and
- E. That, if the property or properties are thereafter platted or subdivided or submitted to the Minnesota Uniform Condominium Act, to permit the sale of individual townhouses or individual lots or individual dwelling units, the City may require that, in connection with such platting or subdivision or submittal, each such individual townhouse, lot or dwelling unit shall have sewage disposal lines and water lines connected directly and separately from all other townhouses or lots to the sanitary sewer mains and water mains serving such townhouse, lot or dwelling unit.”

**445.06 Assessment and Collection.** After installation and connection is completed in accordance with Council's resolution pursuant to Subsection 445.03, the Clerk shall serve a written notice of the assessment upon the owner or owner's representative directing the owner to pay said assessment to the City within ten days after the service of said notice. If such assessment is not paid within ten days, the Clerk shall certify the amount of the assessment to the county auditor for collection with interest in the same manner as other special assessments and the same shall become a lien upon the property until paid; provided, the Council may by resolution provide that the assessment be spread over a term of up to ten years upon request of the owner of the property or the owner's representative. Interest shall be charged on such assessment in the manner and at the rate then charged by the City in connection with special assessments.

**445.07 Certain Connection Prohibited; Inspections.**

Subd. 1 **Prohibited Discharges and Connections.** No person, owner, lessee, or occupant of any parcel of land, building or premises shall discharge, or permit to be discharged, directly or indirectly, into the sanitary sewer system: (i) any surface water or groundwater including water from roofs, yards, lawns, streets, alleys, groundwater sump pumps, footing tile, or other natural precipitation or (ii) any gravel, sand, dirt, or any other heavy material or any substance causing any extraordinary obnoxious odors or gases or (iii) swimming pool discharges not permitted by Subd. 2 or Subsection 450.12 of this Code. A sump pump discharge system shall have a permanently installed discharge line which provides for year-round discharge to either the outside of a building or structure in compliance with subd. 3 of Subsection 1035.03 of this Code or is connected to the City storm sewer. The system shall consist of a discharge line without valving or quick connections or flexible sections which allows the redirection of the sump pump discharge into the sanitary sewer system. If connected to a City storm sewer, the system shall include a check valve and an air gap.

Subd. 2. **Inspection.** Every person, owner, lessee or occupant of any parcel of land, building or premises that discharges into the City's sanitary sewer system shall allow an employee of the City or a designated representative of the City to inspect the building or premises to confirm that the building or premises conforms to the requirements of Subd. 1 of this Subsection. In lieu of the City inspection the owner, lessee or occupant may furnish a certificate from a City registered State licensed plumber certifying that the building or premises is in compliance with the requirements of Subd. 1 of this Subsection. The City may periodically re-inspect any building or premises to determine continued compliance with the requirements of Subd. 1 of this Subsection.

**445.08 Removal of Prohibited Connections; Surcharge; Withholding of Building Permits.**

Any person, owner, lessee or occupant, and any plumber or building contractor who has presently made or permitted to be made, or shall make or permit to be made, any connection or installation in violation of Subd. 1 of Subsection 445.07 shall immediately remove such connection or correct such an installation. If not removed or corrected within 30 calendar days after notice of the violation has been delivered personally or by certified mail to such person, owner, lessee or occupant, the City may impose a surcharge in the amount provided in Section 185 of this Code. Such a surcharge may also be imposed upon any property owner, lessee, or occupant who, after 30 calendar day notice, refuses to allow their property to be inspected or fails to provide the

certificate from a City registered State licensed plumber as required by Subd. 2 of Subsection 445.07. The owner, lessee, occupant of a building or premises found to be not in conformance as required in Subsection 445.07 during periodic re-inspections may be subjected to a surcharge as provided in Section 185 of this Code, for all months between the two most recent inspections or a maximum charge not to exceed twelve (12) monthly surcharges. No building permit, mechanical permit or plumbing permit shall be issued for any building or premises found to have any connection or installation that is in violation of Subd. 1 of Subsection 445.07 until such correction is removed or corrected, or for any building or premises where the owner, lessee or occupant has refused to allow an inspection or re-inspection or failed to provide the certificate from a City registered State licensed plumber as required by Subd. 2 of Subsection 445.07. In addition, any such person, owner, lessee, occupant, plumber or building contractor may be subject to the provisions of Subsection 100.09 of this Code.

**445.09 Clear Water Sump Pits.** The construction or installation of any clear water sump pit shall include the installation of a sump pump and sump pump discharge lines which meet the requirements of Subd. 1 of Subsection 445.07 and Subd. 3 of Subsection 1035.03 of this Code and all applicable codes.

*History: Ord 431 codified 1970; amended by Ord 431-A1 2-18-76, Ord 431-A2 11-3-76, Ord 431-A3 5-13-81, Ord 431-A4 12-2-81; Ord 1998-1; 3-16-98; Ord 2000-10 10-17-00; Ord 2005-06 6-21-05*

*Reference: M.S. 444.075, 445.01, 515A*

*Cross Reference: Sections 710, 810, 850, 1100; Subsection 100.09*